

STATE OF NEVADA
NEVADA DEPARTMENT OF PRISONS
OFFICE OF THE DIRECTOR

DOP INFORMATION BULLETIN # 94-28 (REVISED)

TO: ALL WARDENS AND MANAGERS DATE: 11/4/94
FROM: KARL SANNICKS, ACTING DIRECTOR
SUBJECT: PAROLE AND PARDONS: REPORT REQUIREMENTS
(SUPERCEDES IB 94-28 dated 7/15/94 (AR537))

I. PURPOSE

To identify the various reports required of the Department of Prisons, associated with hearings for parole and pardons applications. To set forth guidelines for the preparation, review, and presentation of such material.

II. AUTHORITY

NRS 209.131; 209.351; NRS Chapter 213

III. POLICY

Once per month the Department of Prisons will provide to the Board of Parole Commissioners an Application Agenda listing inmates who will become eligible for a regular or mandatory parole application hearing in 45 to 60 days. The Application Agenda, hereinafter referred to as the "Agenda", is published in advance so as to provide time for public notice, report preparation, and case research.

The Department of Prisons, unless otherwise directed, will report to the Board of Parole Commissioners and to the Board of Pardons, information concerning inmates who have made application for a hearing. This written report, hereinafter referred to as the "Application Progress Report", should be an accurate and concise representation of the legal and personal status of the inmate, prepared in the manner prescribed by this regulation.

With regard to parole, the agenda and/or the Application Progress Report shall, among other things, satisfy any legal requirements for a formal application from the inmate. Further application by the inmate is permissible but not required. With regard to pardons, a hearing will not be considered unless the inmate submits an application.

Paroles and pardons are an act of grace of the State. It is not intended that the establishment of this regulation create any right or interest in liberty or property.

SUBJECT: Paroles and Pardons: Report Requirements

IV. DEFINITIONS

A. Parole

A conditional release of a prisoner serving an unexpired sentence. A person may be paroled to the community or to a consecutive sentence, whichever is applicable. A parole may be revoked if any of the conditions are violated.

B. Board of Parole Commissioners

The members of the Board are appointed by the Governor. A chairman of the Board is appointed by the Governor from among the members. The business of the Board is managed by an Executive Secretary. Decisions of the Board, regarding parole, are final.

C. Pardon

A pardon can take the form of a commutation of sentence, which is a moderation of the severity of a criminal penalty. A pardon can also release an offender from the legal penalties or consequences of a conviction, also known as clemency. Persons convicted of violating the laws of this state may apply to the Board of Pardons for clemency or commutation. The Board's authority is unrestricted. The Board of Pardons is considered to be the court of last resort.

D. Board of Pardons

The Board of Pardons consists of the Governor, the Justices of the Nevada Supreme Court, and the Attorney General. The Executive Secretary of the Board of Parole Commissioners also serves as the Executive Secretary to the Board of Pardons.

V. PROCEDURE

A. Parole

1. Creation and Distribution of the Agenda

a. Creation

The monthly agenda is a product of the data which resides in the Nevada Corrections Information System (NCIS). An inmate is eligible to appear on an agenda when he has satisfied the legal minimum for the initial hearing or, subsequently, the length of the denial ordered by the Board. The information is printed and distributed 45 to 60 days in advance of the actual agenda hearing date. The Classification and Planning Division is responsible for this function. An inmate may not waive a parole hearing.

SUBJECT: Paroles and Pardons: Report Requirements

b. Distribution

A complete copy of the statewide agenda should be provided to the Executive Secretary, and to the Department of Parole and Probation. Institutions and facilities will be provided with an agenda that lists inmates at their specific locations only. The Classification and Planning Division will determine the mode of distribution.

2. Preparation of Application Progress Report and Related Release Documents

a. Responsibility For Report and Release Documents

The responsibility for completion of the report, and for obtaining from the inmate any release forms or applications required by the Division of Parole and Probation, rests with the institution or facility where the inmate is physically housed when the agenda is distributed.

The inmate's assigned caseworker should prepare the report and oversee the completion of the related release documents. Release documents are completed and attached to the report so that, in the event a parole is granted, the investigation of the release plan will not be delayed. It is both appropriate and advisable for inmates to also submit alternative release plans. Inmates applying for a parole to a consecutive sentence are, obviously, exempt from this requirement.

If the parole plan approved by the Board differs from the plan contained in the release documents, the Department of Prisons will be advised to obtain corrected forms.

All input from staff should be collected by the caseworker and summarized in the report. Staff are prohibited from writing letters directly to the Board on behalf of an inmate.

Reports for inmates on the out-of-state count will be completed jointly by the host state and the Classification and Planning Division, or the institution designated by the Classification and Planning Division.

The requirements of this section apply equally to regular parole and mandatory parole.

SUBJECT: Paroles and Pardons: Report Requirements

b. Completion Deadline

The report and release documents should be provided to the Board as soon as possible after the agenda is published but no later than 30 days prior to the hearing.

c. Inmate Transfers Interrupting Preparations For Hearings

Regular or routine transfers should be avoided if the inmate is on a published agenda but has not yet had a hearing. If urgent or essential circumstances require that an inmate be transferred, it is the responsibility of the sending institution/facility to immediately notify the Board that an inmate on their agenda has been transferred.

If the inmate transfers after the list is distributed and before the report is completed, the sending location should complete the report and provide it to the receiving location.

3. Format of Parole Application Progress Report

The Application Progress Report is a standardized document produced from the NCIS. It is composed of data which is resident in the system, and text which is input or edited by the caseworker or other staff at the time the report is prepared. The report writer should insure that historical representations concerning inmate locations, assignments, custodies and disciplines, as contained in the NCIS, are complete and accurate. If not, the data should be entered and/or corrected before moving on.

A sample format of the Application Progress Report is included as an attachment to this regulation. An inmate's disciplinary "Rap-Sheet", from the NCIS, should be included as an attachment to each report. A new report should be prepared for each new hearing.

Neither the caseworker, Associate Warden or Warden should include recommendations for or against parole, or engage in conjecture regarding an inmates potential for recidivism. A thorough report, which is both factual and objective, will stand on its own merit.

SUBJECT: Paroles and Pardons: Report Requirements

a. Vital Data

This section includes the inmate's name, age, ethnic, county, commit type, and commit date. It is completed automatically by the system when the ID number is selected.

b. Sentence Structure

This section includes a description of each of the sentences, concurrent and consecutive, finished and unfinished, associated with the particular inmate. This section makes it possible to tell where an inmate is at, in terms of satisfying a series of sentences. It is completed automatically by the system.

c. Offense Summary(s)

For those inmates who have entered the Department since the initiation of automated intake processing, the narrative of the inmate's offenses is resident in the system and available for inclusion in the report. For others, it may have to be entered. Once it is resident in the system, it may be used for all subsequent reports. An offense summary should be concise. It should include Who, What, Where, When and How the offense occurred. It should include any relevant information concerning deviant sexual conduct, sexual abuse of the victim, injuries to the victim, use of weapons, and the means of capture if meaningful to the understanding of the crime. The original offense summary would, of course, be enlarged if the inmate was convicted of an additional offense while incarcerated.

d. Holds and Detainers

This section includes a description of each hold and/or detainer which the department is aware of. It is completed automatically by the system.

e. Location, Custody, Assignment History

This is an historical representation of the inmates housing, custody, and program/work participation. It is completed automatically by the system.

f. Credit Earnings

This is the amount of time, served and earned on the current sentence, provided automatically by the system.

SUBJECT: Paroles and Pardons: Report Requirements

g. Program Participation

This is a text section which permits the caseworker or other staff to enter a narrative style description of the inmate's participation in programs of work, education, vocational training, and treatment. Generally speaking, the purpose of this section is to assess how productive the inmate has been, in relation to satisfying his identified needs; and whether he possesses good or bad work habits.

h. Release Plans

This is a text section which permits the caseworker or other staff to enter a narrative style description of the inmates release plans. If the inmate has previously appeared before the board, his earlier release plans will be available for editing, if desired, or may be deleted and re-entered. Release plans should include a thorough description of residence and employment, including phone numbers, physical addresses, and the telephone number of contact persons. Caseworkers should be sensitive to incomplete plans, or plans that are obviously unsuitable, given the inmate's case factors. When this occurs, the inmate should be encouraged to correct the deficiencies in the plan. If the inmate is requesting a parole to a consecutive sentence, that should be indicated in this section.

i. Summary

This is a text section which permits the caseworkers or other staff to enter a narrative style evaluation of the inmate. The evaluation should not repeat, unnecessarily, information which is detailed in other sections of the report. General characterizations of previously stated information are acceptable. If the inmate is new, the evaluation from his intake processing may be available for editing. If the inmate has previously appeared before the board, his earlier evaluation will be available for editing; or, if desired, a completely new evaluation may be written. The evaluation section should include the following elements.

- First Paragraph

This paragraph should address, generally speaking, the inmates prior criminal history, observations concerning patterns of criminality, the number of prior parole appearances on the current sentence(s), any holds or detainers which may effect his release, and any pending charges.

SUBJECT: Paroles and Pardons: Report Requirements

- Second Paragraph

This paragraph should address Institutional adjustment, including requirements for specialized housing, relationships with staff and inmates, and participation in disruptive groups or gangs. The specifics of an inmate's disciplinary history should not be transcribed in this section, as that information is contained in the disciplinary "Rap-Sheet" which is to be included as an attachment to each report. It is, however, appropriate to make general comments or characterizations about the disciplinary history.

- Third Paragraph

The third paragraph is an identification of significant factors related to personality, attitude, and behavior. Factors to be discussed include chemical dependency, mental illness, mental retardation, psychopathic deviation, and intelligence. This section should highlight significant strengths and weaknesses relevant to socially acceptable behavior.

j. Review and Approval

At Institutions, the Application Progress Report and the release documents should be reviewed and approved by the Associate Warden of Programs, then approved and signed by the Warden; at Facilities, the Facility Manager.

4. Psychiatric and Psychological Addendums to the Parole Application Progress Report

a. Routine Psych Evaluations

Pursuant to policies adopted by the Board of Parole Commissioners, the Department of Prisons will routinely prepare a psychological evaluation if the applicant is serving a sentence for a crime involving real or threatened violence. Evaluations of inmates serving other, non violent offenses, will be prepared on a case by case basis, at the request of the Board. All such reports should be prepared in the manner and format prescribed by the Medical Director.

SUBJECT: Paroles and Pardons: Report Requirements

5. Psych Panel

a. Certification

There are restrictions placed on parole eligibility for persons convicted of committing or attempting to commit certain offenses which involve sexually deviant behavior or behavior which offends public morals and decency. These offenses are described in Chapter 200 and 201 of NRS. Persons so convicted may not be paroled from that sentence unless a "Psych Panel" first certifies that the inmate is not a menace to the health, safety or morals of others. The Psych Panel is composed of the Administrator of MHMR or his designee, the Director of Prisons or his designee, and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist.

Certification for parole eligibility is offense specific, applying only to the singular sentence or concurrent sentences for which it was granted. A separate certification is required for each consecutive sentence which falls under the purview of the Psych Panel.

Once per month the Classification and Planning Division should identify inmates on the agenda who require a Psych Panel. A separate list of these inmates should be published, by the Classification and Planning Division, along with the monthly agenda.

The results of the Psych Panel should be provided to the Board of Parole Commissioners with the Application Progress Report.

b. Rescinding a Previous Certification and Requiring Recertification.

Recertification may be required by the Parole Board when intervening misconduct or newly acquired information indicates a previous certification may have been improvidently rendered, or when the previous certification is older than one year. It is the policy of the Parole Board to require recertification in all such cases.

In order to comply with the Boards policy the Department will take the following steps.

- With regard to the one year rule, the Department of Prisons will automatically schedule for recertification those inmates whose parole denial is greater than one year.

SUBJECT: Paroles and Pardons: Report Requirements

- With regard to misconduct or new information, during the preparation of the Application Progress Report the assigned caseworker should review the record and attempt to determine if there has been misconduct of a sexual nature, evidence of psychological deterioration, or newly acquired information concerning the inmates mental or personal history since he was last certified. If any of these conditions exist, the caseworker will draw it to the Boards attention by making specific reference to it, and by indicating that the Board may wish to order that the inmate be recertified in light of new information. If the Board makes such an order, it (the Board) should reschedule the Parole hearing to a later date, and should notify the Classification and Planning Division of the need for recertification. The Classification and Planning Division will include the names of any such inmates on the next Psych Panel list. Inmates included on this list will be identifiable from inmates requesting certification for the first time.

If during a hearing for parole the Board discovers that any of these conditions are present, and that they have been overlooked, the same procedure will be followed.

6. NDOP Representation at Hearings Before the Board of Parole Commissioners

Each institution and facility should appoint one staff member to act as the "Prison Representative" at Parole hearings. The Prison Representative is responsible for recording the actions for the institution/facility, and for coordinating the distribution of hearing results. Except for custody supervision, other NDOP staff should not attend the hearings, or participate in the process unless invited by the Board and authorized by the Warden/Facility Manager.

7. Distribution of Results (Orders)

The Executive Secretary or designee should mail or deliver the results of hearings as follows:

a. Inmate Copy

The inmate copy should be provided to the Prison Representative, not the inmate. Casework staff will determine the manner in which the results shall be presented to the inmate, ie: Post Board Classification hearing, personal interview etc. In no case will the results be

SUBJECT: Paroles and Pardons: Report Requirements

unnecessarily delayed. The results of in-absentia hearings for inmates on the out-of-state count are routed to the inmate via the host caseworker, by the Classification and Planning Division.

b. Institution Copy

The institution/facility copy should be provided to the Prison Representative.

c. Classification and Planning Division Copy

The copy for the administrative offices of NDOP should be provided directly to the Classification and Planning Division.

d. Parole Department Copy and Board File

If parole is granted, either to the community or to a consecutive sentence, a copy of the order, along with the Board File, is provided to the Pre-Release Operations Supervisor at the Department of Parole and Probation. The Board File will contain the Application Progress Report and related release documents. If parole is denied, the order is placed in the Board File and no further action is necessary.

B. Pardons

1. Creation of the Agenda

a. Inmate Application Process

The Board of Pardons meets twice per year, in the Spring and Fall. Applications are distributed by the Executive Secretary approximately three(3) months prior to the hearing date. The deadline for submission of applications is two(2) months prior to the hearing date. Any inmate may submit an application.

b. Nominations by Medical Director

The Medical Director may nominate cases for consideration on the basis of extreme medical hardship or terminal illness. Nominations should be made to the Director of Prisons or his designee. Candidates will be screened first on the basis of public safety, and the extent to which the medical condition

SUBJECT: Paroles and Pardons: Report Requirements

has diminished or eliminated any potential risk to the public. Financial hardship to the State and humanitarian gestures to the inmate will be secondary consideration after the first test is satisfied. Meritorious cases will be referred to the Executive Secretary.

c. Screening Process

The initial screening of inmate applicants is conducted by the Executive Secretary and the Associate Warden of Programs (AWP). Applicants without merit are rejected at this level. The remaining list receives a second screening by the Executive Secretary and the Director of Prisons. Joined with this list are the medical nominations approved by the Director. To facilitate this second screening, a report is prepared by the AWP. Inmates not accepted through this process may apply directly to any member of the Board.

2. Preparation of Final Report

Inmates remaining after the second screening constitute the "Prison Agenda". Final reports are prepared by the AWP. A sample format is included as an attachment to this regulation. All input from staff should be collected by the AWP and summarized in the report. Staff are prohibited from writing letters directly to the Board on behalf of an inmate. Each report should be reviewed and signed by the Warden. Completed reports should be forwarded to the Chief of Classification and Planning for presentation to the Director, and then delivery to the Executive Secretary.

3. Psychiatric, Psychological and Medical Addendums

Psychiatric and Psychological Evaluations should be prepared in the manner and format prescribed by the Medical Director and should be reviewed and approved by the Medical Director or his designee. Medical evaluations should be completed for each medical nomination, and for any case requested by the Executive Secretary. Completed reports should be forwarded to the Chief of Classification and Planning for presentation to the Director, and then delivery to the Executive Secretary.

SUBJECT: Paroles and Pardons: Report Requirements

4. NDOP Representation at Pardons Board Hearing


The Chief of Classification and Planning or his designee should attend the hearings of the Board and record the actions for the Department of Prisons. Except for custody supervision, other NDOP staff should not attend the hearing or participate in the process unless specifically authorized to do so by the Director of Prisons.

5. Distribution of Results (Orders)

The results of hearings concerning prison inmates are mailed or delivered by the Executive Secretary shortly after conclusion of the hearings. The Executive Secretary provides original copies to the Classification and Planning Division, the inmate, and the institution/facility. If necessary, the Classification and Planning Division will make modifications to the inmates sentence, including arrangements for release if applicable.

VI. REFERENCES

None.


KARL SANNICKS, ACTING DIRECTOR
NEVADA DEPARTMENT OF PRISONS

< 11/4/94

ISSUE DATE

EFFECTIVE DATE 8/1/94

AR #537

Page 13 of 14

SUBJECT: Paroles and Pardons: Report Requirements

- SAMPLE -

NEVADA DEPARTMENT OF PRISONS
APPLICATION PROGRESS REPORT (PAROLE)
AGENDA: _____

VITAL DATA (Data from NCIS):

NUMBER:
NAME:
AGE:
ETHNIC:

COUNTY:
COMMIT TYPE:
COMMIT DATE:

SENTENCE STRUCTURE (Data from NCIS):

LVL	STS	DATE	CASE	OFFENSE	SENT	PAR	MPR	EXP
-----	-----	------	------	---------	------	-----	-----	-----

OFFENSE SUMMARY (Text):

HOLDS AND DETAINERS (Data from NCIS):

Type: Narrative:

LOCATION, CUSTODY, ASSIGNMENT HISTORY (Data from NCIS):

Location:	Date:	Custody:	Date:	Assignment:	Date:
-----------	-------	----------	-------	-------------	-------

CREDIT EARNINGS (Data from NCIS):

Flat:	Stat:	Work:	Merit:
-------	-------	-------	--------

PROGRAM PARTICIPATION (Text):

RELEASE PLANS (Text):

SUMMARY (Text):

Prior Offenses
Patterns of Criminality
Prior Hearings on Current Sentence(s)
Characterizations of Institutional Adjustment
Personality, Attitude, Behavior
Chemical Dependency, Mental Illness, Mental Retardation
Psychopathic Deviation, Intelligence
Strengths, Weaknesses

REVIEW AND APPROVAL

SIGNATURES:

WARDEN

CASEWORKER

NOTED: _____

INMATE

SUBJECT: Paroles and Pardons: Report Requirements

- SAMPLE -
APPLICATION PROGRESS REPORT (PARDON)

_____ 19 _____ CALENDAR

NAME:

NDP #:

DATE:

SENTENCE STRUCTURE: (List all offenses and sentences, consecutive and concurrent. Underline the current offense and sentence. Brackets may be used to distinguish between cases, parenthesis may be used to distinguish between counts. The abbreviations "cc" and "cs" will be used to identify consecutive and concurrent relationships.

LENGTH OF CONFINEMENT:

By the time the Pardons Board meets in _____, 19____,
(inmate name) will have served _____ years, _____ months,
_____ days.

OFFENSE:

(Paraphrase from PSI or DA's narrative)

PRIOR RECORD:

(List the year, place, crime and sentence for all felony convictions; misdemeanor offenses may be summarized.)

PRIOR PARDON'S BOARD ACTIONS:

FUTURE PLANS:

(In state, out-of-state, prevailing family relationships, residence, employment, names and addresses, letters or verifications.)

EVALUATION:

Evaluation should be in the same format as the Parole Progress Report except the following should be added:

First paragraph - Include what the inmate is requesting, i.e. commutation of Life Without to Life With. Any other changes made in subject's sentence, i.e., death sentence overturned.

Last Paragraph - Include a summary of what the Pardons Board's positive decision would make on the inmate, i.e., commutation would make him eligible to be seen by the Nevada Board of Parole Commissioners.

WARDEN SIGNATURE

RX: _____
DIRECTOR